



May 3, 2023

The Honorable James Lane
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave SW
Washington DC 20202

RE: FIELD TEST FLEXIBILITY WAIVER FOR THE MONTANA ASSESSMENT SYSTEM
ESEA Section 8410(b)(4) Waiver

Dear Assistant Secretary Lane:

As State Superintendent at the Montana Office of Public Instruction, I respectfully request a Field Test Flexibility waiver under Section 8401 of the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeed Act (ESSA). I am requesting that the Secretary respond to a waiver in an expediated time frame of 15 days upon receipt of this request.

Approval of this waiver aligns with Secretary Cardona's message to the nation that innovation in assessment is needed. It furthers the U.S. Department of Education's (USED) support of Montana's through-year assessment model that better equips educators with the data they need to personalize high-quality education for all students. A Field Test Flexibility waiver eliminates an undue burden on students, teachers, and district leaders by preventing double-testing and ensuring identification flexibility.

The Field Test Flexibility waiver will advance student academic achievement by enabling the Montana Office of Public Instruction (OPI) to design and develop a more balanced assessment system that centers around student learning and provides additional support for education. The Field Test Flexibility waiver will advance student academic achievement by enabling the Montana Office of Public Instruction (OPI) to design and develop a more balanced assessment system that centers around student learning and provides additional support for educators. This waiver is necessary because it is not possible to administer assessments required under ESEA section 1111(b)(2) or comply with the attendant accountability, school identification, and reporting requirements. This burden would unfairly punish LEAs and schools willing to participate and support the innovative assessment field test for the betterment of all Montana students.

With approval, Montana would be the first State to gain approval for the R/LA (reading/language arts) and mathematics summative assessment since the adoption of ESSA, enabling the OPI to answer USED Secretary Miguel Cardona's most recent charge to act urgently to address student learning and "raise the bar: lead the world."

The OPI assures that an operational assessment will be administered statewide in grades 3 through 8 to all students who take the general assessment reading/language arts and mathematics assessment during the 2024-2025 school year. Following the final Spring

administration in 2025, standards-setting will occur. The results will be publicly reported, disaggregated by student groups, shared with parents and educators, and fed into the Federal accountability system.

The waivers will only apply to districts and schools participating in the Montana Assessment System pilot during the 2023-2024 school year, and parents will be notified of their child's participation in the field test. Non-participating districts and schools will continue to administer the Smarter Balanced Assessment for Grades 3-8 in the Spring of 2024. Accountability provisions and reporting for non-participating districts and schools will not be changed. We will provide the public and all local education agencies (LEAs) in the State with notice of and the opportunity to comment on this waiver request by posting information regarding the waiver request and the process for commenting on the State website.

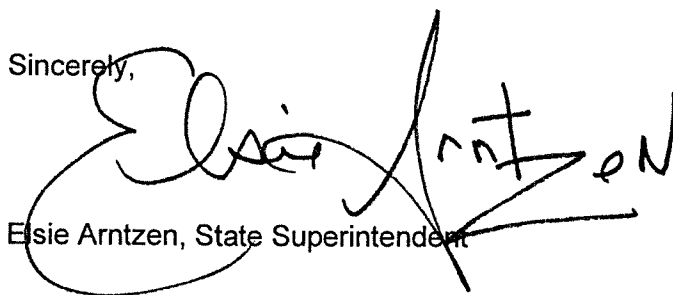
For field testing schools, the double-testing flexibility waives the following ESEA and 34 CFR sections: 1111(b)(1)(B), 1111(b)(2)(B)(i), 1111(b)(2)(B)(x), 1111(b)(2)(B)(xii), 200.2(b)(1)(i), 200.2(b)(3)(i)(A), 200.2(b)(12)-(13), 200.8(a)(1)-(2), 200.8(b)(1).

For field testing schools, the identification flexibility waives the following ESEA sections: 1111(c)(4)(B)(i), 1111(c)(4)(B)(ii), 1111(c)(4)(C)(i), 1111(c)(4)(C)(iii), 1111(h)(1)(C)(ii), 1111(h)(1)(C)(iii)(I), and 1111(h)(1)(C)(vi), and 1111(h)(2)(C)(i)-(ii).

We are confident that the USED will quickly support this request as we all work together to bring to life the common-sense approach of an assessment model that reduces the testing burden on our students, reduces the time necessary to assess student learning, and waives double-testing as Montana field tests its through-year assessment.

Join Montana in this exciting shift in public education from an annual summative assessment to a next-generation evaluation that better reinforces good instruction in the classroom, not distracting from it. I look forward to hearing from you very soon. Finally, thank you for the positive meeting we had on March 14, 2023, regarding Montana's vision of student assessment and learning. It was time well spent.

Sincerely,

A handwritten signature in black ink, appearing to read "Elsie Arntzen". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that extends to the right.

Elsie Arntzen, State Superintendent